

CITY OF AUSTIN
Board of Adjustment/Sign Review Board
Decision Sheet

DATE: Tuesday, November 13, 2012

CASE NUMBER: C15-2012-0137

____ Jeff Jack
____ Michael Von Ohlen
____ Nora Salinas
____ Bryan King
____ Fred McGhee
____ Melissa Hawthorne
____ Sallie Burchett
____ Cathy French (SRB only)

APPLICANT: Maggie McIntosh

OWNER: Jeff Anderson

ADDRESS: 4101 AVENUE A

VARIANCE REQUESTED: The applicant has requested a variance to increase the maximum building coverage requirement of Section 25-2-492 (D) from 40% to 43.4% in order to remodel to add a roof and screen in an existing wood deck for a single-family residence in an "SF-3-HD-NCCD-NP", Family Residence – Historic District – Neighborhood Conservation Combining District – Neighborhood Plan zoning district.

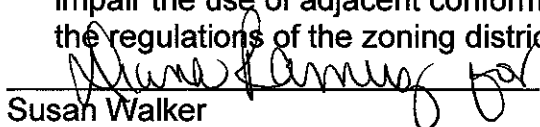
BOARD'S DECISION:

The public hearing was closed on Board Member Melissa Hawthorne motion to Postpone to December 10, 2012, Board Member Michael Von Ohlen second on a 7-0 vote;
POSTPONED TO DECEMBER 10, 2012.

FINDING:

1. The Zoning regulations applicable to the property do not allow for a reasonable use because:
2. (a) The hardship for which the variance is requested is unique to the property in that:

(b) The hardship is not general to the area in which the property is located because:
3. The variance will not alter the character of the area adjacent to the property, will not impair the use of adjacent conforming property, and will not impair the purpose of the regulations of the zoning district in which the property is located because:



Susan Walker
Executive Liaison



Jeff Jack
Chairman

PUBLIC HEARING INFORMATION

Although applicants and/or their agent(s) are expected to attend a public hearing, you are not required to attend. However, if you do attend, you have the opportunity to speak FOR or AGAINST the proposed development or change. You may also contact a neighborhood or environmental organization that has expressed an interest in an application affecting your neighborhood.

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A board or commission's decision may be appealed by a person with standing to appeal, or an interested party that is identified as a person who can appeal the decision. The body holding a public hearing on an appeal will determine whether a person has standing to appeal the decision.

An interested party is defined as a person who is the applicant or record owner of the subject property, or who communicates an interest to a board or commission by:

- delivering a written statement to the board or commission before or during the public hearing that generally identifies the issues of concern (*it may be delivered to the contact person listed on a notice*); or
- appearing and speaking for the record at the public hearing; and:
- occupies a primary residence that is within 500 feet of the subject property or proposed development;
- is the record owner of property within 500 feet of the subject property or proposed development; or
- is an officer of an environmental or neighborhood organization that has an interest in or whose declared boundaries are within 500 feet of the subject property or proposed development.

A notice of appeal must be filed with the director of the responsible department no later than 10 days after the decision. An appeal form may be available from the responsible department.

For additional information on the City of Austin's land development process, visit our web site: www.ci.austin.tx.us/development.

Written comments must be submitted to the contact person listed on the notice before or at a public hearing. Your comments should include the name of the board or commission, or Council; the scheduled date of the public hearing; the Case Number; and the contact person listed on the notice.

Case Number: C15-2012-0137 - 4101 Avenue A
Contact: Susan Walker, 512-974-2202
Public Hearing: Board of Adjustment, November 13th, 2012

Lindy Anderson
 Your Name (please print) _____

4103 Avenue A, Austin 78751
 Your address(es) affected by this application _____

Signature _____

Daytime Telephone: 512-739-5043 _____

Comments: _____

As a homeowner immediately next door, I fully support the applicant's request. (Although we have the same last name, there is no relation.) I urge the Board of Adjustment to approve their variance and subsequent permit so that they can move forward with their project.

Thank you!

If you use this form to comment, it may be returned to:

City of Austin-Planning & Development Review Department/ 1st Floor
 Susan Walker
 P. O. Box 1088
 Austin, TX 78767-1088

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Contact: Susan Walker, 512-974-2202
Public Hearing: Board of Adjustment, November 13th, 2012

Adam Anderson

Your Name (please print)

4103 Avenue A Austin 78751

Your address(es) affected by this application

[Signature]

Signature

Date

Daytime Telephone:

512-983-0114

Comments:

I live in the house immediately north of the applicant property. I am completely supportive of their request for a variance for this property.

<input checked="" type="checkbox"/> I am in favor <input type="checkbox"/> I object
--

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Contact: Susan Walker, 512-974-2202
Public Hearing: Board of Adjustment, November 13th, 2012

Sara L. Vanev
Your Name (please print)

☒ I am in favor
☐ I object

4105 Ave B, 78751
Our address(es) affected by this application

Sara Vanev
Signature

11-2-12
Date

Daytime Telephone: 347-228-2618

Comments:

If you use this form to comment, it may be returned to:
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Susan Walker
P. O. Box 1088
Austin, TX 78767-1088

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Case Number: C15-2012-0137 - 4101 Avenue A
Contact: Susan Walker, 512-974-2202
Public Hearing: Board of Adjustment, November 13th, 2012

Marc Perez
Your Name (please print)

☒ I am in favor
☐ I object

4105 Ave B Austin 78751
Your address(es) affected by this application

Marc Perez
Signature

11/4/12
Date

Daytime Telephone: 512-569-7731

Comments:

If you use this form to comment, it may be returned to:
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Austin, TX 78767-1088

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Contact: Susan Walker, 512-974-2202
Public Hearing: Board of Adjustment, November 13th, 2012

Kasey Gorman (Cousen S)
Your Name (please print) Rebecca Wubbenberg

☒ I am in favor
☐ I object

306 W 41st Street Austin, TX 78751
Your address(es) affected by this application

Rebecca Wubbenberg
Signature 11/6/12
Date

Daytime Telephone: 512.296.2828

Comments:

If you use this form to comment, it may be returned to:

City of Austin-Planning & Development Review Department/ 1st Floor
 Susan Walker
 P. O. Box 1088
 Austin, TX 78767-1088

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Case Number: C15-2012-0137 - 4101 Avenue A

Contact: Susan Walker, 512-974-2202

Public Hearing: Board of Adjustment, November 13th, 2012

Matthew Blake Hutson

Your Name (please print)

4013 Avenue A

Your address(es) affected by this application

7373 74

Signature

Daytime Telephone:

512-636-7213

Date

11/3/12

Comments:

I'm one of only a couple neighbors that will see this addition from my property. No big deal to me.

If you use this form to comment, it may be returned to:

City of Austin-Planning & Development Review Department/ 1st Floor
Susan Walker
P. O. Box 1088
Austin, TX 78767-1088

If you need assistance completing this application (general inquires only) please contact Susan Walker, 974-2202; 505 Barton Springs Road, 2nd Floor (One Texas Center).

CASE # C15-2012-0137
ROW # 10841546
TP-0221050578

CITY OF AUSTIN
APPLICATION TO BOARD OF ADJUSTMENT
GENERAL VARIANCE/PARKING VARIANCE

WARNING: Filing of this appeal stops all affected construction activity.

PLEASE: APPLICATION MUST BE TYPED WITH ALL REQUESTED INFORMATION COMPLETED.

STREET ADDRESS: 4101 Avenue A

LEGAL DESCRIPTION: Subdivision - Hyde Park Addn No 2 resub of Lots
14, 15 & 16
Lot(s) B Block 4 Outlot _____ Division _____

I/We Maggie McIntosh on behalf of myself/ourselves as authorized agent for
Jeff and Libby Anderson affirm that on Oct. 4, 2012

hereby apply for a hearing before the Board of Adjustment for consideration to:

(check appropriate items below)

☒ ERECT ___ ATTACH ___ COMPLETE ___ REMODEL ___ MAINTAIN

a roof over an existing porch and screen in area to
create a screened in porch.

PL-43-4620

in a SF-3 district.
(zoning district)

SF-3-ND-NEED-WP

NOTE: The Board must determine the existence of, sufficiency of and weight of evidence supporting the findings described below. Therefore, you must complete each of the applicable Findings Statements as part of your application. Failure to do so may result in your application being rejected as incomplete. Please attach any additional support documents.

VARIANCE FINDINGS: I contend that my entitlement to the requested variance is based on the following findings (see page 5 of application for explanation of findings):

REASONABLE USE:

See typed sheet

1. The zoning regulations applicable to the property do not allow for a reasonable use because:

HARDSHIP:

2. (a) The hardship for which the variance is requested is unique to the property in that:

- (b) The hardship is not general to the area in which the property is located because:

AREA CHARACTER:

3. The variance will not alter the character of the area adjacent to the property, will not impair the use of adjacent conforming property, and will not impair the purpose of the regulations of the zoning district in which the property is located because:

PARKING: (Additional criteria for parking variances only.)

Request for a parking variance requires the Board to make additional findings. The Board may grant a variance to a regulation prescribed Section 479 of Chapter 25-6 with respect to the number of off-street parking spaces or loading facilities required if it makes findings of fact that the following additional circumstances also apply:

1. Neither present nor anticipated future traffic volumes generated by the use of the site or the uses of sites in the vicinity reasonable require strict or literal interpretation and enforcement of the specific regulation because:

1. The zoning regulations applicable to the property do not allow for a reasonable use because:

The owners would like to add a roof over their existing back deck and screen in the area to improve the function of the space in the most reasonable way possible by providing a shaded, bug-free environment. The zoning regulations applicable to the property do not allow for this addition because of building coverage regulation for lots zoned SF-3; proposed construction puts lot just over allowable building coverage at 43.4%. There is minimal flatwork on the lot. If approved, the lot would still meet impervious cover regulations after proposed construction (impervious cover would be 44.6%).

2. (a) The hardship for which the variance is requested is unique to the property in that:

The hardship for which the variance is requested is that zoning regulations do not allow for the most reasonable addition to the attached porch because of building coverage restrictions for homes zoned SF-3. These zoning regulations state that they apply to properties with a minimum lot size of 5,750SF. The property in question is zoned SF-3, but at 4,500 SF, is below the minimum size. Because the lot in question is under the minimum lot size, we are requesting approval for slightly more building coverage. Austin City Code outlines regulations for Small Lot, Single Family Residential Use in article 25-2-779. This article discusses regulations for smaller lots, including corner lots 4500 sf and over (the exact size of the lot in question). The maximum allowable building coverage is 55 percent. Although this code doesn't apply to our particular zoning, it does suggest allowing slightly more building coverage for lots of such a small scale. The hardship for which the variance is requested is due to the unique nature of the undersized property.

- (b) The hardship is not general to the area in which the property is located because:

As a corner lot, it is substantially smaller than most lots in the surrounding area. The median lot size within two blocks of this property is around 6,000 SF.

3. The variance will not alter the character of the area adjacent to the property, will not impair the use of adjacent conforming property, and will not impair the purpose of the regulations of the zoning district in which the property is located because:

The variance will allow the owners to make better use of their existing back patio and yard. The design of the roof and screens will match the existing historic character of the house and neighborhood. We are proposing a very modest addition to an existing porch within all property setbacks and tents. If approved, the lot will still meet impervious cover regulation. The clients currently have no outdoor covered space large enough for dining or group dwelling. The design was approved by Historic Review. Please see the attached letter from Alyson McGee.

2. The granting of this variance will not result in the parking or loading of vehicles on public streets in such a manner as to interfere with the free flow of traffic of the streets because:

3. The granting of this variance will not create a safety hazard or any other condition inconsistent with the objectives of this Ordinance because:

4. The variance will run with the use or uses to which it pertains and shall not run with the site because:

NOTE: The Board cannot grant a variance that would provide the applicant with a special privilege not enjoyed by others similarly situated or potentially similarly situated.

APPLICANT CERTIFICATE – I affirm that my statements contained in the complete application are true and correct to the best of my knowledge and belief.

Signed Maggie McIntosh Mail Address 2915 E. 13th St

City, State & Zip Austin TX 78702

Printed Maggie McIntosh Phone 512.925.7282 Date Oct. 4, 2012

OWNERS CERTIFICATE – I affirm that my statements contained in the complete application are true and correct to the best of my knowledge and belief.

Signed Jeff Anderson Mail Address 4101 AVENUE A

City, State & Zip AUSTIN TX 78751

Printed JEFF ANDERSON Phone 512-567-7618 Date 10-2-12

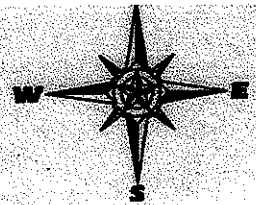
Elizabeth Anderson

10-2-12

Elizabeth Anderson

AVENUE A
(60' ROW)

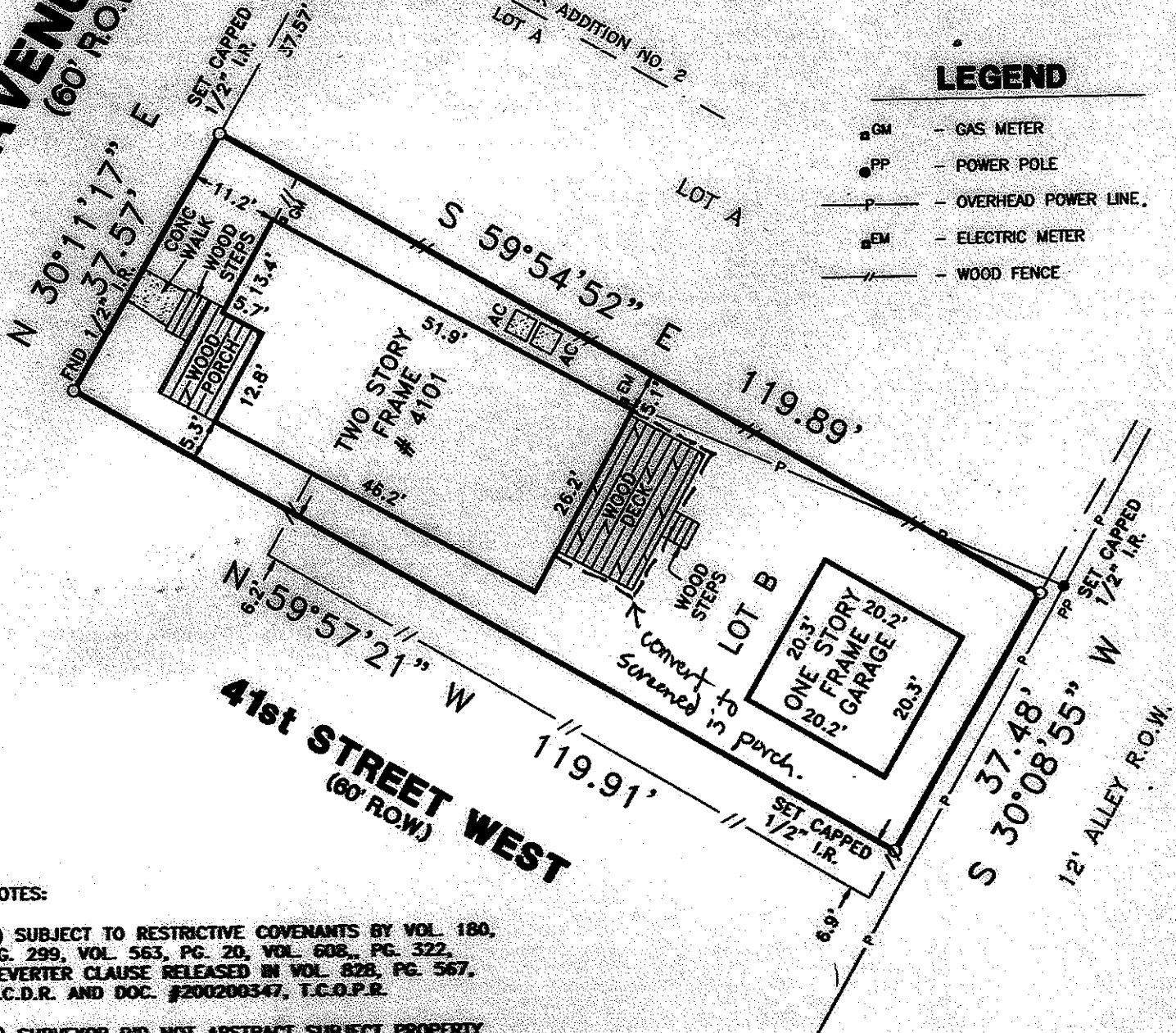
BLOCK 4



SCALE: 1" = 20'

LEGEND

- CM - GAS METER
- PP - POWER POLE
- P - OVERHEAD POWER LINE
- EM - ELECTRIC METER
- - WOOD FENCE



NOTES:

1) SUBJECT TO RESTRICTIVE COVENANTS BY VOL. 180, PG. 299, VOL. 563, PG. 20, VOL. 608, PG. 322, REVERTER CLAUSE RELEASED IN VOL. 828, PG. 567, T.C.D.R. AND DOC. #200200347, T.C.O.P.R.

2) SURVEYOR DID NOT ABSTRACT SUBJECT PROPERTY.

3) WOOD FENCE EXTENDS INTO 41st STREET RIGHT-OF-WAY AS SHOWN.

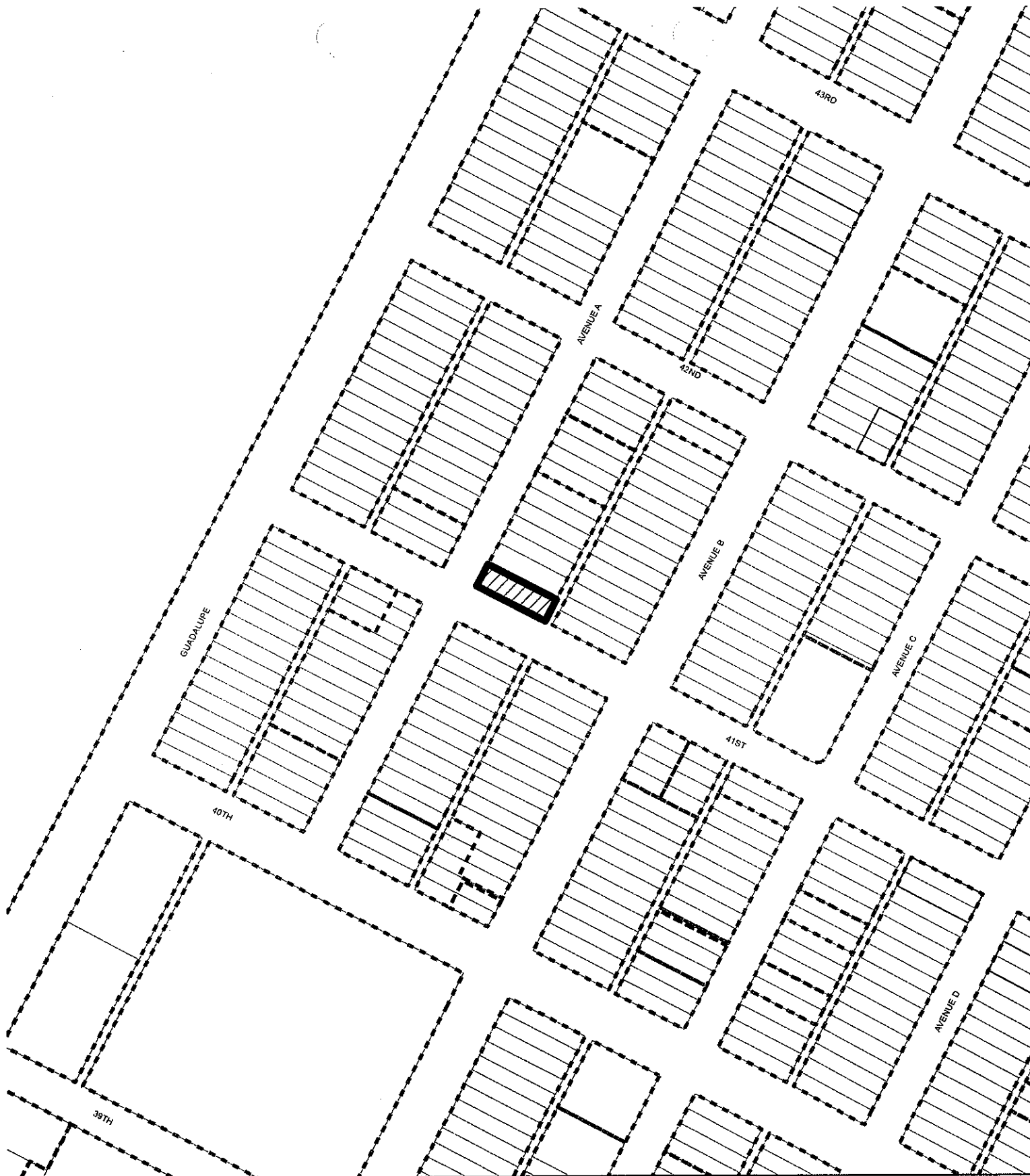
ALL BEARINGS ARE BASED ON THE RECORDED PLAT UNLESS OTHERWISE NOTED.

ALL EASEMENTS AND BUILDING LINES ARE BASED ON RECORDED PLAT UNLESS OTHERWISE NOTED.

FLOOD ZONE DETERMINED BY GRAPHIC PLOTTING ONLY. WE DO NOT ASSUME RESPONSIBILITY FOR EXACT DETERMINATION.

THIS SURVEY HAS BEEN COMPILED IN ACCORDANCE WITH INFORMATION CONTAINED IN THE TITLE COMMITMENT REFERENCED IN CF NO. 2003 BC 257221-Z (00025)

LOT 8	BLOCK 4	SECTION -	SUBDIVISION RESUBDIVISION OF LOTS 14, 15 & 16, BLOCK 4, HYDE PARK ADDITION NUMBER TWO		THIS TRACT IS LOCATED WITHIN FLOOD ZONE "X (UNSHADED)" ACCORDING TO THE FEDERAL EMERGENCY MANAGEMENT AGENCY (FEMA) FLOOD INSURANCE RATE MAP (FIRM) COMMUNITY PANEL NO. 480624 0165 E, REVISED JUNE 16, 1993.
RECORDATION DOCUMENT NO. 200200347, T.C.O.P.R.		COUNTY TRAVIS	STATE TEXAS	SURVEY -	
LENDER CO. MORTGAGE ACCEPTANCE CORPORATION		TITLE CO. AUSTIN TITLE COMPANY			
PURCHASER JOSHUA TWAIT AND RITIKA SOMESHWAR, HUSBAND AND WIFE					JOB NO.
ADDRESS 4101 AVENUE A, AUSTIN, TX 78751					3109 W

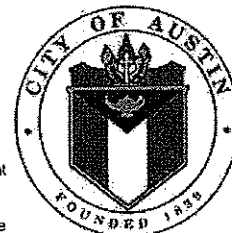


SUBJECT TRACT



ZONING BOUNDARY

CASE#: C16-2012-0137
LOCATION: 4101 AVENUE A



This product is for informational purposes and may not have been prepared for or be suitable for legal, engineering, or surveying purposes. It does not represent an on-the-ground survey and represents only the approximate relative location of property boundaries.

This product has been produced by the Planning and Development Review Department for the sole purpose of geographic reference. No warranty is made by the City of Austin regarding specific accuracy or completeness.



MEMORANDUM

TO: Susan Walker, Senior Planner
Planning and Development Review Department

FROM: Alyson McGee, Deputy Historic Preservation Officer
Planning and Development Review Department

DATE: October 22, 2012

SUBJECT: Variance Request for 4101 Avenue A

The Historic Preservation Office staff has reviewed and administratively approved a Certificate of Appropriateness for the screened porch addition at 4101 Avenue A. The house has been determined to be a contributing building to the Hyde Park Local Historic District and is subject to the Design Standards adopted by the Local Historic District zoning ordinance. It is the opinion of the Historic Preservation Office staff that the owner's proposal to construct a 10'-9" x 18'-0" screened porch at the rear of the house meets those Design Standards and retains the architectural character of the contributing property and the historic district.

Please let me know if you have any questions, or need further information from our office.



CERTIFICATE of Appropriateness

National Register Historic District Permit Application

Review for permits within an ~~NRHD~~ LHD

Planning and Development Review Department
Historic Preservation Office

SEP 04 2012

NPZD/CHPU

Address of Property: 4101 Ave A

~~LHD~~ Hyde Park - Contributing Str.

Case No: LHD-2012-0023
PR-2012-085011

APPLICANT

Name: Mark Richardson
Mailing Address: 1406 Smith Rd, Suite E Telephone: (113) 899-2105
City: Austin Zip: 78721 Email: moontoweraustin@gmail.com

OWNER

Name: Jeff & Lissy Anderson
Mailing Address: 4101 Ave A Telephone: () _____
City: Austin Zip: 78751 Email: _____

ARCHITECT (if applicable)

Name: _____
Mailing Address: _____ Telephone: () _____
City: _____ Zip: _____ Email: _____

CONTRACTOR (if applicable)

Name: Moontower, LLC (Maggie McIntosh)
Mailing Address: 1406 Smith Rd, Suite E Telephone: (512) 844-1928
City: Austin Zip: 78721 Email: moontoweraustin@gmail.com

Brief description of proposed work: Adding screened in porch to rear of house

Owner's Signature (Required)

See Building Plan/Application
Date: for owner authorization

Applicant's Signature (Required)

[Signature]
Date: 9/4/2012

For City Use Only:

Application review date: _____
Reviewer: _____

Application Complete: Y/N (If no: Date applicant contacted: _____)
Submittal requirements complete: Y/N (If no: Date submittal requirements completed: _____)
Date Application Completed: _____

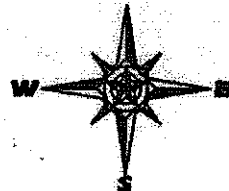
APPROVED BY
HISTORIC LANDMARK COMMISSION

DATE: 9/4/12
BY: [Signature]
for HLC Chair

\$100 fee paid (14)

AVENUE A
(60' R.O.W.)

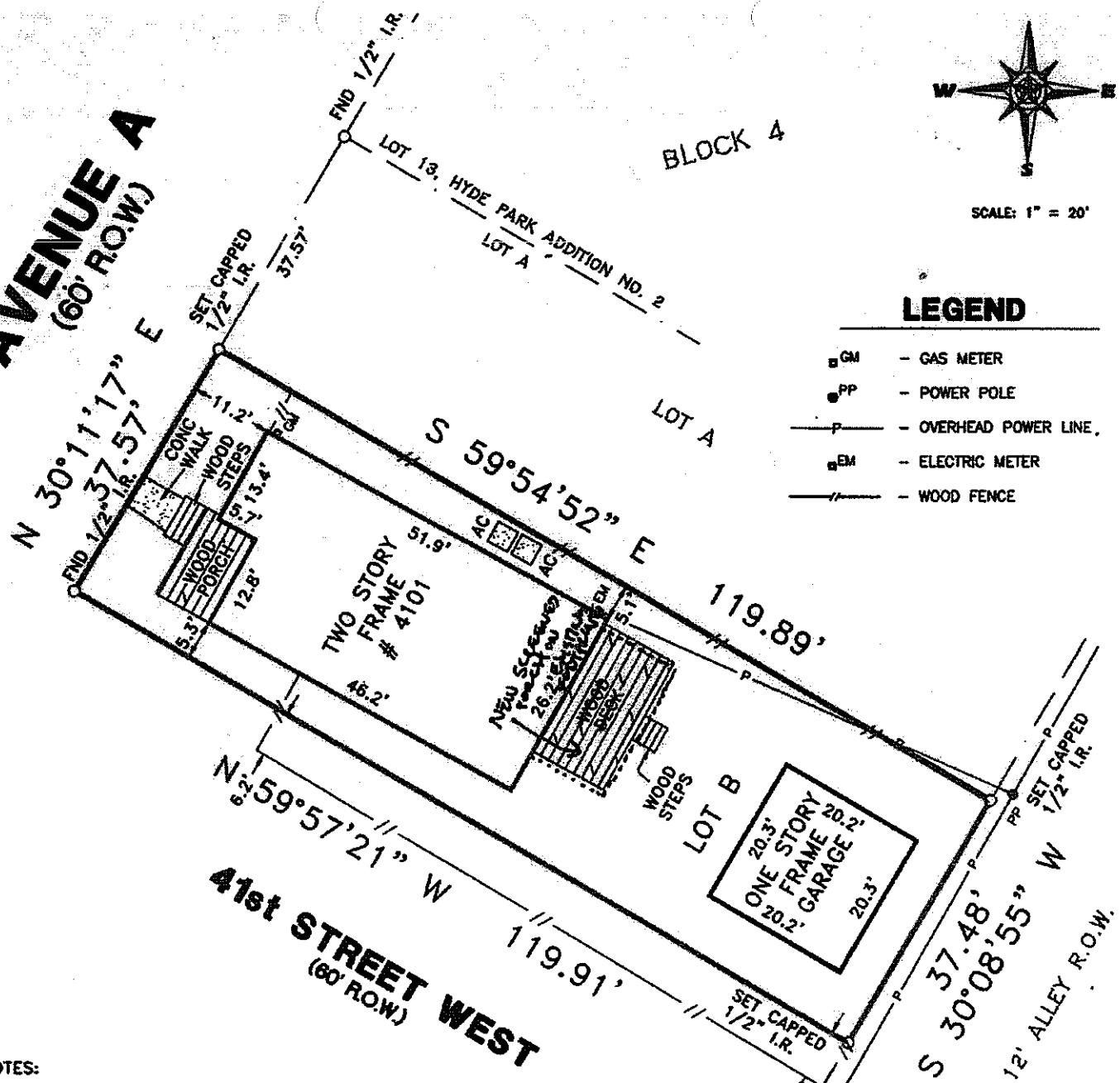
BLOCK 4



SCALE: 1" = 20'

LEGEND

- GM - GAS METER
- PP - POWER POLE
- P — OVERHEAD POWER LINE
- EM - ELECTRIC METER
- W — WOOD FENCE



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- 2) SURVEYOR DID NOT ABSTRACT SUBJECT PROPERTY.
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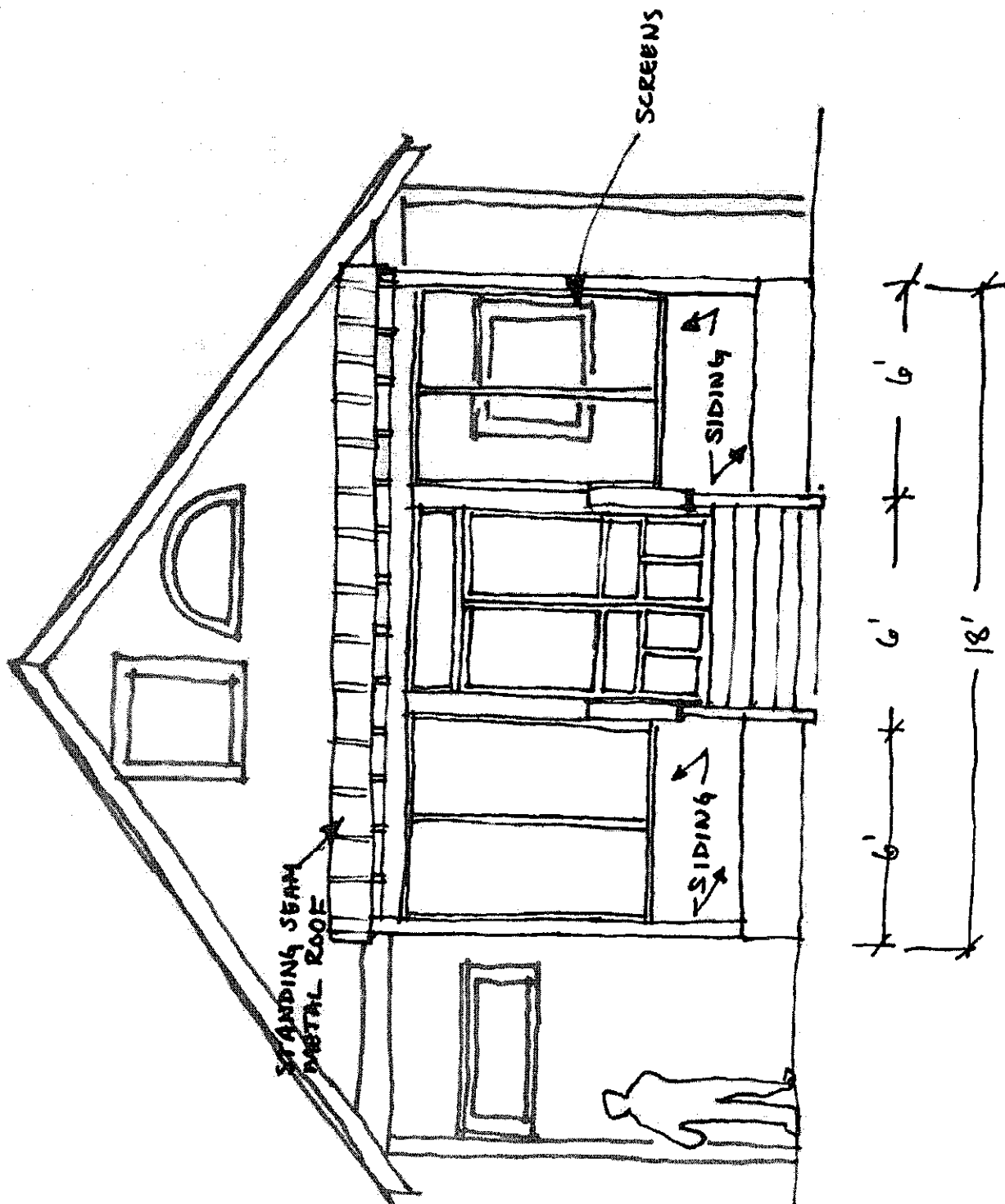
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APPROVED BY
HISTORIC LANDMARK COMMISSION
 DATE: 9/4/12
 BY: *[Signature]*
 for HLC Chair

LOT 8	BLOCK 4	SECTION -	SUBDIVISION RESUBDIVISION OF LOTS 14, 15 & 16, BLOCK 4, HYDE PARK ADDITION NUMBER TWO		THIS TRACT IS LOCATED WITHIN FLOOD ZONE "X (UNSHADED)" ACCORDING TO THE FEDERAL EMERGENCY MANAGEMENT AGENCY (FEMA) FLOOD INSURANCE RATE MAP (FIRM) COMMUNITY PANEL NO. 480624 0165 E. REVISED JUNE 16, 1993.
RECORDATION DOCUMENT NO. 200200347, T.C.O.P.R.		COUNTY TRAVIS	STATE TEXAS	SURVEY -	
LENDER CO. MORTGAGE ACCEPTANCE CORPORATION		TITLE CO. AUSTIN TITLE COMPANY			
PURCHASER JOSHUA TWAIT AND RITIKA SOMESHWAR, HUSBAND AND WIFE ADDRESS 4101 AVENUE A, AUSTIN, TX 78751					JOB NO. 3109 W

SCALE: 1/4" = 1'

Rear Elevation

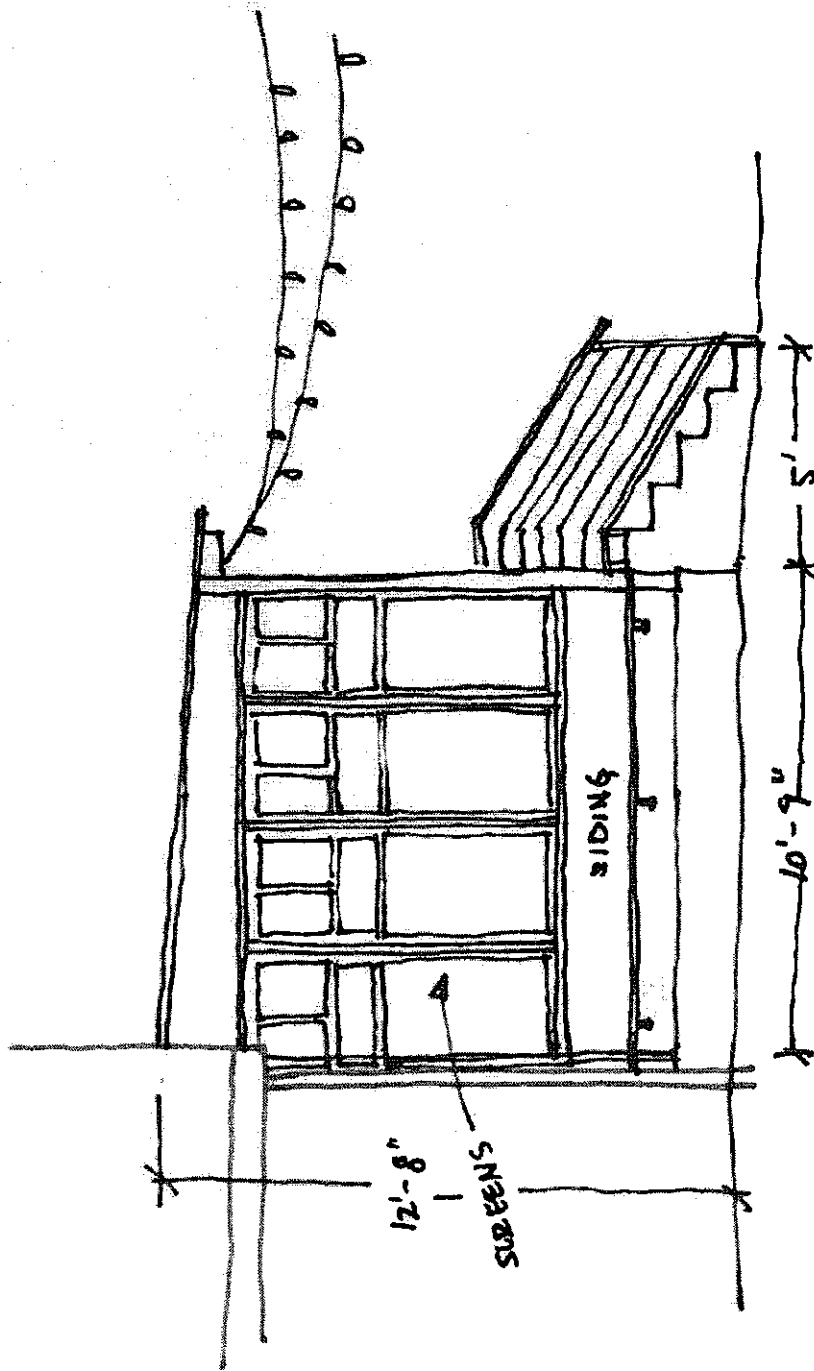


APPROVED BY
HISTORIC LANDMARK COMMISSION

DATE: 9/4/12

BY:

Ely M. De...
for HLC Chair



APPROVED BY
HISTORIC LANDMARK COMMISSION

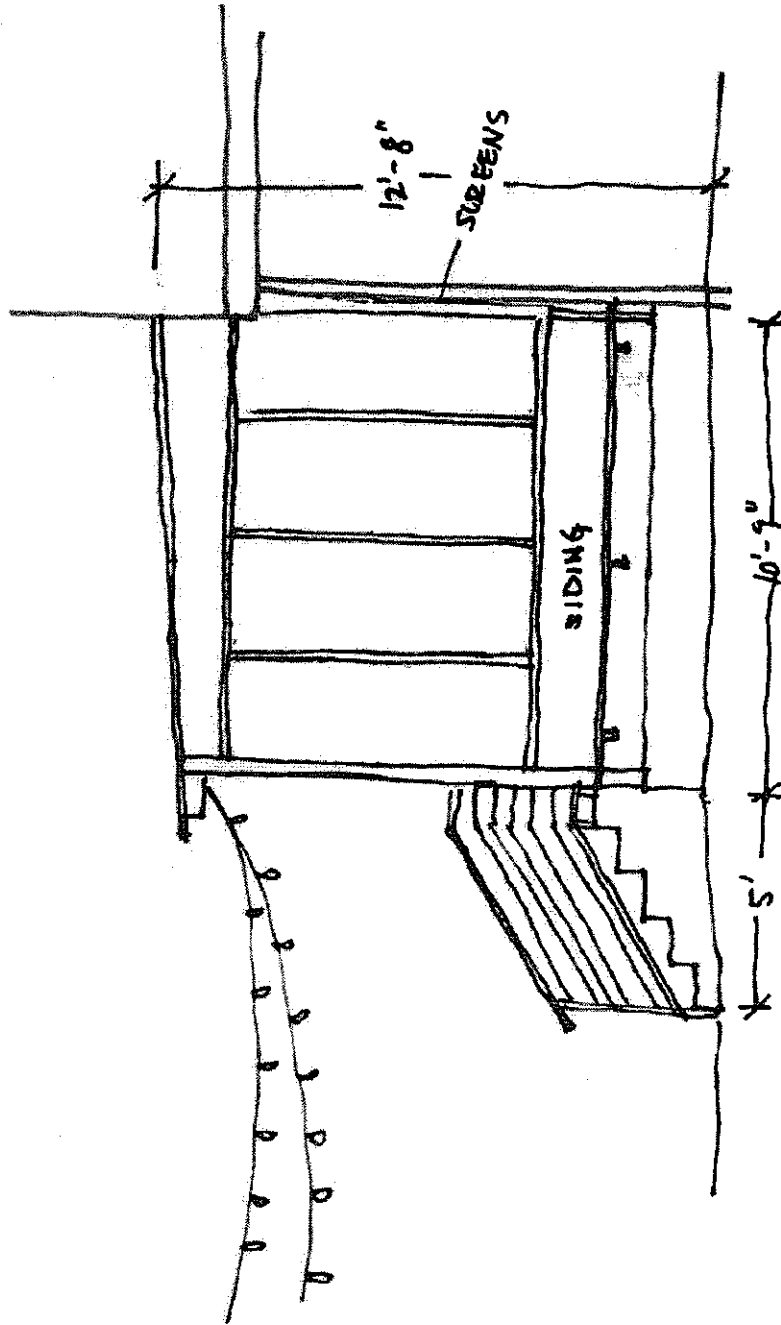
DATE: 9/4/12

BY: *[Signature]*

for HLC Chair

South Elevation

SCALE: 1/4"=1'



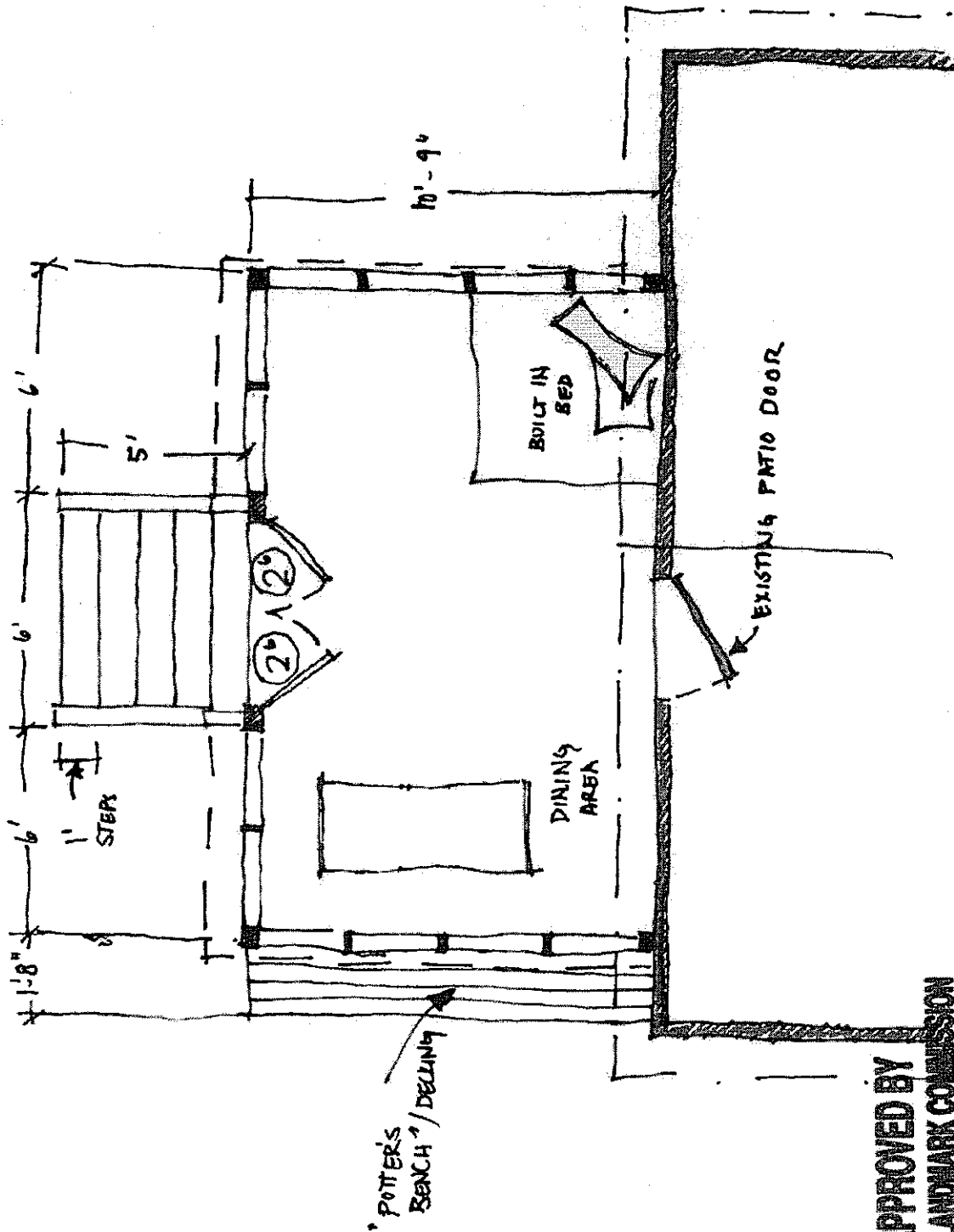
APPROVED BY
HISTORIC LANDMARK COMMISSION

DATE: 9/4/12

BY: [Signature] for HLC Chair

North Elevation

SCALE: 1/4"=1'



Floor Plan

SCALE: 1/4"=1'

APPROVED BY
HISTORIC LANDMARK COMMISSION

DATE: 9/4/12

BY: *[Signature]*
for HLC Chair

